

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

Dayton DIVISION

Darnell Wesly Moon

(Enter Above the Name of the Plaintiff in this Action)

THOMAS M. ROSE

3:15 cv 424

vs.
Richard K. Jones, Sheriff

(Enter above the name of the Defendant in this Action)

MICHAEL J. NEWMAN

If there are additional Defendants, please list them:

Dennis Adams, Corrections Captain

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

Darnell Wesly Moon

Name - Full Name Please - PRINT

605 North Sprigg Street, APT #2

Street Address

Cape Girardeau MO 63701

City, State and Zip Code

573-275-0646

Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. Richard K. Jones, Sheriff
Name - Full Name Please
705 Hanover Street, Hamilton, Ohio 45011
Address: Street, City, State and Zip Code
2. Dennis Adams, Corrections Captain
705 Hanover Street, Hamilton, Ohio 45011
3. _____
4. _____
5. _____
6. _____

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

- ☒ Title 28 U.S.C. § 1343(3)
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]
- ☒ Title 28 U.S.C. § 1331
[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]
- ☐ Title 28 U.S.C. § 1332(a)(1)
[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]
- ☒ Title 42 United States Code, Section 1983
[Other federal statute giving the court subject matter jurisdiction.]

III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

(See Attached)

IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption. (Example, Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

Case Number

Caption

VS.

VS.

VS.

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

- (1.) Compensatory damages in the amount of \$16,500.00;
- (2.) Punitive damages in the amount of \$9,500.00;
- (3.) Damages for Intentional Infliction of Emotional Distress in the amount of \$6,000.00;
- (4.) A declaration that the defendants actions violated the Constitution, laws, and treaties of the US and plaintiff's rights;
- (5.) A jury trial on all issues triable by a jury;
- (6.) All other relief this court deems equitable and just.

I state under penalty of perjury that the foregoing is true and correct. Executed on

this 25 day of November, 20 15.

Signature of Plaintiff

I. Jurisdiction

1. This is a civil action, authorized by 42 USC 1983, to redress the deprivation of rights, secured by the Constitution, laws, and treaties of the United States. This court has jurisdiction pursuant to 28 USC 1331. Plaintiff's claims for declaratory relief are authorized by 28 USC 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 USC 2283, 2284, and Rule 65 of the Federal Rules of Civil Procedure. Plaintiff brings a state law claim for Intentional Infliction of Emotional Distress, under Ohio State law.

II. Venue

2. This court has venue pursuant to 28 USC 1391(b)(2), because it is where the events giving rise to this cause of action occurred.

III. Parties

3. Defendant, Richard K. Jones, is the Sheriff of Butler County.

4. Defendant, Dennis Adams, is the Corrections of Butler County.

5. At all times herein, each defendant acted under the color of state law. Each defendant is being sued in his individual capacity.

IV. Statement of Claim

6. On March 27, 2015, plaintiff arrived at the Butler County Jail, in

Hamilton, Ohio. Upon being booked in, plaintiff informed the jailers that he is a Sunni Muslim, required to pray 5 times per day, amongst other things. The plaintiff requested the following items and accommodations:

- (1) An Islamic prayer rug;
- (2) A 100% halal diet; for breakfast, lunch, and dinner;
- (3) Extra towels, and a bottle to cleanse my self after using the restroom (all Muslims must cleanse themselves after using the restroom);
- (4) An Arabic Holy Quran;
- (5) Islamic reading material, and Islamic books;
- (6) Access to obligatory Jumu'ah services on Fridays;
- (7) I requested that an Imam be allowed to come to the jail to provide religious services.

7. Plaintiff was told that per the order of Jones and Adams, that none of the accommodations would be provided to him.

8. Plaintiff was taken to a "pod," and placed in an extremely small cell. Plaintiff was provided 1 towel, no underwear, a half bar of soap, and given a thin piece of foam to sleep on. Plaintiff was told that no hygiene would be provided to him, no mattress, no additional soap, no toothpaste, toothbrush, or any grooming articles would be given to him. Roll of toilet paper was provided to plaintiff. Over the next few weeks, the plaintiff was forced to sleep in a freezing cold cell, was not given any hygiene at all (plaintiff had to borrow a bar of soap from someone else), and was forced to take a shower with 1 unclean,

moldy towel. In addition, plaintiff was forced to take a shower in full view of every inmate in the pod, because there was no shower curtain at all to cover the shower. Plaintiff felt degraded and humiliated by this.

V. Lack of Nutritious Food and Recreation

9. While at the jail, plaintiff was provided 3 meals per day, that were completely inedible. For breakfast, hard cornbread, horse oats, and dry milk (mixed with water) and wasaun) was served nearly every day. ~~Breakfast~~ lunch, and dinner would consist of more cornbread, hard as rock, smashed together with old vegetables, uncooked pasta, and diabetic juice in a packet. Numerous inmates in the pod appeared to be malnourished, and reported that if they had not been able to purchase commissary items they would have starved to death. Plaintiff lost several pounds during his stay, because he simply could not consume the food.

10. In addition, plaintiff was denied all forms of outside recreation by the officers in the pod. Plaintiff was told that this "policy" came from Sheriff Jones, and Captain Adams.

11. Finally, when plaintiff put in a request for religious items and accommodations in the pod, Plaintiff was told that per the orders of Jones and Adams, all accommodations and requests were denied.

VI. Legal Claims

12. Plaintiff contends that defendants Jones and Adams violated his right to Free Exercise of Religion when they denied plaintiff a prayer rug, a cleansing bottle to cleanse himself after using the bathroom, a 100% Islamic halal diet, an Arabic Holy Qur'an, Islamic reading books and materials, access to obligatory jumah services, and access to an Imam at the jail.
13. Plaintiff contends that defendants Jones and Adams violated his right to be free from Cruel and Unusual Punishment when they failed to provide him with towels, washcloths, underwear, toothpaste, combs, toothbrushes, and grooming materials, during his stay at the jail.
14. Plaintiff contends that defendants Jones and Adams violated his right to be free from Cruel and Unusual Punishment when they denied his requests for cell outside recreation.
15. Plaintiff contends that defendants Jones and Adams violated his right to be free from Cruel and Unusual Punishment when they refused to provide plaintiff with edible meals, as plaintiff stated in his complaint. Plaintiff lost several pounds at the jail, because of this.
16. Defendants actions caused plaintiff to suffer severe and extreme emotional distress, and plaintiff believes defendants intended to do this.

VII. Requested Relief

17. Plaintiff requests this court grant him the following relief:

- (A) A declaration that the defendants acts and/or omissions violated the US Constitution and laws of the United States;
- (B) Compensatory damages in the amount of \$16,500;
- (C) Punitive damages in the amount of \$9,500;
- (D) Damages on the Intentional Infliction of Emotional Distress claim in the amount of \$6,000.00;
- (E) A jury trial on all issues triable by a jury;
- (F) All other appropriate relief.

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dated: 11/25/2015